

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2011 23 03/11

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JOSEPH A. FERRARA, SR., et al,

Plaintiffs,

NOT FOR PUBLICATION
ORDER
11-CV-1828 (CBA) (SMG)

MI DAN EQUIPMENT CORP.,

Defendant.

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AMON, Chief United States District Judge.

The plaintiffs, trustees of various Local 282 Trust Funds, bring this action pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132, 1145. The plaintiffs allege that the defendant failed to comply with a requirement to submit the records of its affiliate for an audit under the terms of a Collective Bargaining Agreement. The defendant has failed to appear or otherwise defend this action, and the Clerk of the Court entered the default of the defendant upon the plaintiffs' application. This Court referred the plaintiffs' motion for default judgment to Magistrate Judge Steven M. Gold on June 15, 2011, *see* DE #14, and now has before it Magistrate Judge Gold's Report and Recommendation ("R&R").

Neither party has objected to the R&R. "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Wilds v. United Parcel Services, Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted). The Court has reviewed the record and, finding no clear error in the R&R, hereby adopts it in its entirety.

The plaintiffs' motion for default judgment is granted. Pursuant to 29 U.S.C. § 1132(g)(2)(D), the Clerk of Court is directed to enter judgment against the defendant in the

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amount of \$6,621.11 in attorney's fees and costs. The Clerk of Court is then directed to close the case.

SO ORDERED.

Dated: Brooklyn, N.Y.

November 22, 2011

s/CBA

Carol Bagley Amon
Chief United States District Judge

cc:

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